

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

Empire Countertops, LLC
1137 Enterprise Dr.
Pilot Point , TX 76258
EIN: 45-1145076
Debtor

Case No. 22-41686 btr
Chapter: 11

**ORDER SETTING 7-DAY DISMISSAL DEADLINE FOR
FILING DECLARATIONS FOR ELECTRONIC FILING**

On **12/05/2022**, the above-referenced Debtor filed by electronic means the voluntary petition seeking relief under the above-referenced chapter of Title 11, United States Code, and list of creditors (matrix). The filing of documents with this Court by electronic means is authorized and governed by administrative procedures contained in LBR Appendix 5005 to the Local Rules of Bankruptcy Procedure. Specifically, Section III(B)(3) of LBR Appendix 5005 requires that:

[w]ithin seven (7) days of the filing by electronic means of a bankruptcy petition, list, schedule, or statement that requires verification under Fed. R. Bankr. P. 1008, the Electronic Filer shall file with the Court the appropriate "Declaration for Electronic Filing," substantially conforming either to Exhibit "B-1", "B-2", or "B-3", which has been executed by the debtor or by the authorized representative of the debtor.

However, the Debtor failed to fulfill that requirement as to the voluntary petition seeking relief under the above-referenced chapter of Title 11, United States Code, and list of creditors (matrix) filed with the Court. Thus, in violation of Fed. R. Bankr. P. 1008, the Debtor have, in actuality, failed to present the voluntary petition seeking relief under the above-referenced chapter of Title 11, United States Code, and list of creditors (matrix) which have been verified under penalty of perjury by the Debtor or contain an unsworn declaration of the Debtor as provided in 28 U.S.C. §1746. Thus, the failure of the Debtor to adhere to the requirements of the Federal and Local Rules of Bankruptcy Procedure constitutes a willful failure of the Debtor to abide by the orders of this Court as well as an unreasonable delay that is prejudicial to creditors. Thus, just cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the above-referenced Debtor shall file the appropriate "Declaration for Electronic Filing" for the voluntary petition seeking relief under the above-referenced chapter of Title 11, United States Code, and list of creditors (matrix) with the Court within **seven (7) calendar days** of the entry of this Order.

IT IS FURTHER ORDERED that, in the event that the Debtor fails to comply with the above directive within seven (7) calendar days of the entry of this Order, absent a further order of the Court extending such deadline for cause shown, this case shall be dismissed, pursuant to §349(a) of the Bankruptcy Code, without further notice or hearing and **with prejudice** to the rights of the Debtor to file a subsequent petition under any of the provisions of Title 11, United States Code, for a period of ninety (90) days from the entry of the order of dismissal.

Signed on 12/14/2022

Brenda T. Rhoades SD
HONORABLE BRENDA T. RHOADES,
CHIEF UNITED STATES BANKRUPTCY JUDGE